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Attorney Docket No. UCSD-04870

PATENT

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MAY 06 2002

In re Application of: Kenneth W. Wood *et al.*

Serial No.: 09/724,584

Filed: 11/28/00

Entitled:

**PLUS END-DIRECTED MICROTUBULE
MOTOR REQUIRED FOR CHROMOSOME
CONGRESSION**


Group No.: 1648

Examiner: Jeffrey Stucker

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT MAILED MARCH 22, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)	
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
Dated: <u>April 22, 2002</u>	By: <u></u> Cliff Cannon-Cin

Sir or Madam:

This communication is responsive to the Restriction Requirement mailed on March 22, 2002. The Examiner has made a Restriction Requirement, restricting the Claims into five Groups, as follows:

- Group 1: Claims 1-11 and 36-38;
- Group 2: Claims 12-15 and 39;
- Group 3: Claim 16;
- Group 4: Claims 17-35; and
- Group 5: Claims 40-42.

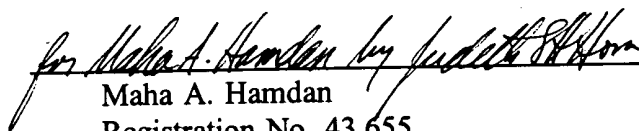
To further their business interests, Applicants elect Group 2 (Claims 12-15 and 39), without traverse.

Applicants' non-election of Groups 1 and 3-5 does not narrow the scope of any of claims within the meaning of *Festo*,¹ because non-election of these claims is not related to a "statutory requirements for a patent" but rather is related to the Patent Office's administrative convenience for organizing searches. Applicants reserve the right to prosecute the cancelled claims in another application(s).

If a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (415) 904-6500.

Signing on behalf of:

Dated: April 22, 2002



Maha A. Hamdan
Registration No. 43,655
MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
415/904-6500

¹ *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (en banc).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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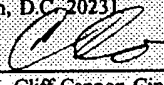
MAY 06 2002

TRANSMITTAL LETTER

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Assistant Commissioner for Patents
Washington, D.C. 20231

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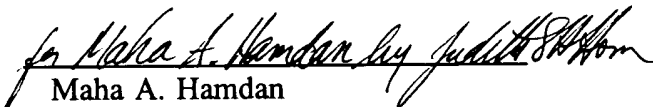
Applicant respectfully submits the following items for filing in this matter:

1. Response to Restriction Requirement Mailed March 22, 2002.
2. Change of Correspondence Address.
3. Return receipt postcard.

FEE: The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Signing on behalf of:

Dated: April 22, 2002

By: 
Maha A. Hamdan
Registration No. 43,655
MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
(415) 904-6500